

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

APR - 3 2008

CLERK, U.S. DISTRICT COURT

By _____

Deputy

OTHA LEE COOPER, PRO SE,
A.K.A. JEROME MARCELLUS COOPER,
A.K.A. JEROME VARGAS,
TDCJ-CID #1292672,
Previous TDCJ-CID # 625624,
Previous TDCJ-CID # 675846,
88503-079,

Plaintiff,

v.

2:07-CV-0161

NATHANIEL QUARTERMAN,
RICHARD D. VOGELGESANG,
MICHAEL D. SAVERS,
ELBERT P. HAMPTON,
VINCENT K. LAW,
DENNIS J. MARKGRAF,
WILLIAM CULLUM,
GEORGENA M. CLOWER,
JASON COOK, PENNY S. TURNER,
LARRY E. GOUCHER, VIKKI L. CLOWER,
CATHERINE M. THOMAS,
SANDRA L. THAXTON,
TAMALA K. ALVAREZ,
JASPER MAXEY,
ERIK P. BADILLO,

Defendants.

ORDER OF DISMISSAL

Plaintiff OTHA LEE COOPER, also known as JEROME MARCELLUS COOPER, also known as JEROME VARGAS, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On February 11, 2008, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause With prejudice as frivolous and with prejudice to being asserted again until the *Heck* conditions are met. *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996).

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff OTHA LEE COOPER, also known as JEROME MARCELLUS COOPER, also known as JEROME VARGAS is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET. *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996).

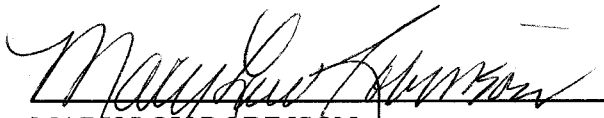
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 3rd day of April, 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE